

WILLKIE FARR & GALLAGHER_{LLP}

333 Bush St
San Francisco, CA 94104
Tel: 415 858 7400
Fax: 415 858 7599

May 13, 2024

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.*, 1:24-cv-01120-KPF
Notice of Supplemental Authority

To the Honorable Katherine Polk Failla:

Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (collectively, “GEM” or “Petitioners”) submit this letter notice of supplemental authority in support of their motion for summary judgment seeking confirmation of the Interim Measures Order¹ (ECF No. 58), which was filed on April 22, 2024, which is fully briefed as of May 6, 2024, and which remains pending.

On Friday, May 10, 2024—after summary judgment briefing was completed—Arbitrator Mark C. Morril issued the final award in the Arbitration. *See Exhibit A* (the “Final Award”). Claimants submit the Final Award as further authority in support of their pending motion for summary judgment confirming the Interim Measures Order. Notably, the Final Award awards

In addition, Arbitrator Morril ruled that

¹ Unless otherwise specified, capitalized terms have the same meaning given to them in Petitioners’ memorandum of law in support of their motion for summary judgment (ECF No. 59).

[REDACTED] See Ex. A at ¶ 79. That determination is relevant to Petitioners' arguments in their motion for summary judgment motion, *see* ECF No. 59 at p. 15-19, including that because Mullen failed to timely challenge the Partial Final Award, Respondents' same arguments in opposition to the pending Summary Judgment motion are precluded. *See e.g.*, ECF 59 at p. 18 n.6.

Dated: May 13, 2024

WILLKIE FARR & GALLAGHER LLP

/s/ Jonathan A. Patchen

Jonathan A. Patchen

333 Bush Street

San Francisco, California 94104

(415) 858-7594

jpatchen@willkie.com

Madeleine Tayer

Justin Garbacz

787 Seventh Avenue

New York, New York 10019

(212) 728-8914

mtayer@willkie.com

jgarbacz@willkie.com

Attorneys for Petitioners

cc: All counsel of record (via ECF)